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DATE: December 11, 2006

PTO IDENTIFIER: Application Number 10/680,459-Conf. #4494
Patent Number

Inventor: Chris Rundfeldt et al.

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (571) 273-8300

FROM: FULBRIGHT & JAWORSKI L.L.P.
Norman D. Hanson

PHONE: (212) 318-3168

Attorney Dkt. #: NY-HUBR 1230-US (10312533)

PAGES (including Cover Sheet): 4

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FULBRIGHT & JAWORSKI L.L.P.
666 Fifth Avenue, New York, New York 10103
Telephone: (212) 318-3000 Facsimile: (212) 318-3400

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Docket No.: NY-HUBR 1230-US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Chris Rurdfeldt et al.

Application No.: 10/680,459

Confirmation No.: 4494

Filed: October 6, 2003

Art Unit: 1617

For: USE OF DIHYDROIMIDAZOLONES FOR
THE TREATMENT OF DOGS

Examiner: D. R. Claytor

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement set forth in the Office Action mailed November 24, 2006, applicant hereby elects Group I, claims 12-19.

This election is made with traverse.

The Examiner states the inventions are not related. Applicants believe the record shows that they are. Indeed the restriction points out:

- (i) the same compound is used in both groups;
- (ii) the inventions are classified identically.

Hence, in a search for uses of 1-(4-chlorophenyl)-4-(4-morpholinyl)-2,5-dihydro-1H-imidazol-1-yl-one one will *de facto* find art relating to each of the inventions. No undue search burden is seen.

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Further, the claims in allegedly separate invention II are drawn to behavioral abnormalities generally. While there is a specific claim to anxiety, the statement that:

"the different inventions are drawn to treatment of epilepsy... and the treatment of behavioral abnormalities, namely anxiety."

(emphasis added) misstates the claim structure. A generic claim to behavioral abnormalities is presented, of which epilepsy is an example. This is admitted by the Examiner, who states:

"Epilepsy is characterized by involuntary change in body movement or function, sensation awareness or behavior."

"Involuntary changes in behavior" is a behavioral abnormality. Focusing on the specific claim to anxiety, as the Examiner has, does not correctly address the claims.

In view of the foregoing, withdrawal of the restriction and consideration of all claims is believed proper and is urged.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0624, under Order No. NY-HUBR 1230-US (10312533) from which the undersigned is authorized to draw.

Dated: December 11, 2006

Respectfully submitted,

By 

Norman D. Hanson

Registration No.: 30,946

FULBRIGHT & JAWORSKI L.L.P.

666 Fifth Avenue

New York, New York 10103

(212) 318-3000

(212) 318-3400 (Fax)

Attorney for Applicant

PTO/SB/97 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

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Application No. (if known): 10/680,459

Attorney Docket No.: NY-HUBR 1230-US

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Response to Restriction Requirement (with Traverse) (2 pages)

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